

Item No.	Application No. and Parish	Proposal, Location and Applicant
(1)	13/02707/FULD Greenham Parish Council.	Demolition of existing dwelling, and erection of 4 number dwellings with associated parking. Land at 1 Dalby Crescent, Newbury. Priory Land Limited.

To view the plans and drawings relating to this application click the following link:

<http://planning.westberks.gov.uk/rpp/index.asp?caseref=13/02707/FULD>

**Recommendation Summary:**                      **The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of the required s106 obligation.**

**Ward Member(s):**                                      Councillors Swift-Hook and Drummond.

**Reason for Committee Determination:**                      The application has been called in by Councillor Swift-Hook given local concerns about the application and the past planning history. In addition in excess of 10 objections received.

**Committee Site Visit:**                                      3<sup>rd</sup> February 2014.

<b>Contact Officer Details</b>	
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## 1. Site History

12/00426/fuld. Demolition of dwelling, erection of 4 dwellings – Refused. Dismissed at appeal on 26<sup>th</sup> September 2013.

## 2. Publicity of Application

Site Notice Expired: 31/12/13.

## 3. Consultations and Representations

<b>Parish Council:</b>	The Parish Council regrets the application, but notes that the appeal Inspector dismissed the appeal on very specific grounds only, so if the application had overcome those objections, there would be no valid grounds of concern. However, an objection is still raised, since there is not enough information on the plans to make a proper judgement on this matter. Comment that all the required parking should be conditioned, more details needed re. foul water disposal, proper protection of mature tree, and refuse collection points should be repositioned.
<b>Highways:</b>	Conditional permission is recommended. No concerns about on site parking, turning, or access. S106 contribution of £10,000 required.
<b>Thames Water</b>	No objections.
<b>Env. Agency</b>	Application is one of low risk. No objections.
<b>S106 Contributors</b>	Education - £17,295, Public Open Space - £3636, Libraries - £1362, Waste - £450, Adult Social Care - £2241, Highways - £10,000. Total - £ 34,984.
<b>Ecologist</b>	No objections.
<b>Tree Officer</b>	No objections to the application. The mature pollarded oak to the south of the site can be retained but is not worthy of a TPO.
<b>Public Protection.</b>	Conditional permission. Dust suppression, hours of working, and landfill gas migration.
<b>Newbury Society</b>	Does not support the application, since not satisfied that the scheme addresses in full the Inspector's concerns over the street scene issue re. plots 3 and 4.
<b>Newbury Town Council.</b>	Objection / comment. Not enough information to arrive at a conclusion. If approved would welcome the POS contribution.
<b>Correspondence:</b>	11 letters of objection received. Concerns based upon overdevelopment, out of character, impact on street scene, over dominant, impact on local traffic and parking, noise during construction, precedent, impact on local amenity and impact on refuse collection.

## 4. Policy Considerations

The National Planning Policy Framework March 2012.

CIL Regulations 2010.

West Berkshire Core Strategy 2006 to 2026. Policies ADPP2, CS1, CS4, CS5, CS14.

West Berkshire District Local Plan 1991 to 2006 - Saved Policies 2007. Policy HSG1.

Council's Delivering Investment from Sustainable Development – adopted June 2013.

## **5. Description of Development**

- 5.1 The application site is 0.11ha in extent and comprises the curtilage of one detached dwelling, No. 1 Dalby Crescent, which lies at the head of that Crescent adjacent to Greenham Road to the west. The existing dwelling has a drive and access, plus detached garage. It is proposed to demolish this dwelling and construct in its place 4 dwellings. Two will be detached with integral garages, being 3 bedroomed, with half hipped roofs. These are plots 1 and 2 to the south of the site. Further to the north will be plots 3 and 4, which are a pair of link detached dwellings, being 4 bedroomed, and 1.5 storey height only. They will face directly onto Dalby Crescent, with their rear gardens facing west. There will be a total of 6 car parking spaces on site excluding the 4 garage spaces. There is to be a turning area for vehicles on site and a refuse storage area, plus sheds for cycles. Finally, each dwelling will have its own rear garden area, which will all meet the Council's minimum standards.

## **6. Consideration of the Proposal**

- 6.1 The application will be considered under the criteria of saved policy HSG1 in the Local Plan 1991 to 2006, and how it relates to the appeal decision letter relating to the last refusal of application 12/00426/fuld, also for 4 dwellings.

### Policy HSG1.

- 6.1.1 Criterion [1] of the policy notes that the projected scheme should have regard to the residential nature of the site's surroundings. Dalby Crescent is an attractive but fairly mixed area of housing comprising dormer bungalows plus two storey semi detached and detached houses. No. 1 Dalby Crescent entirely complies with this existing character, and this is recognised in the Newbury Town Design Statement –page 51 as it corresponds to Pyle Hill. The test here is whether the new development will harm this existing character, to its detriment or otherwise. Clearly, if the scheme proceeds, there will be a local change in the building skyline adjacent Pyle Hill, which is important as a visual gateway into the town itself, as noted in the Guide above. The architects have undertaken a local street scene view here, and the longer views will not be harmfully disrupted by the new skyline, which is modest due to the cut down in levels afforded in the amended scheme - as shown by the submitted sections. However, please see the note in criterion [v] below which examines the street scene issue in greater detail.
- 6.1.2 Criterion [2] notes that special landscape areas contributing to the overall character of the area should be conserved where possible. The application site is certainly not unattractive, and as such does provide some "benefit" visually to the locality, providing a visual stop to the end of the Crescent. It is of course a prominent site, given its height. However it cannot be said that its retention is necessary or special in the locality, so its loss is acceptable in principle, so long as that which is replacing it is similarly "acceptable". Officers consider that the layout, scale and overall design of the four new dwellings is modest whilst clearly slightly higher.
- 6.1.3 The scale of the development and its impact on [for example] local parking issues. A number of the local objectors are concerned about increased parking congestion in the area, should the scheme proceed. The four units will have 2 parking spaces each plus 2 visitor spaces, so that will be 10 spaces overall i.e. a ratio of 2.5 per dwelling, which is generous for a highly sustainable location as this. Even if the garages are not used for vehicle parking, that will still mean 6 spaces on the site a ratio of 1.5 per dwelling, which is the "average" across the District. Accordingly highways officers have not objected to the application. In terms of traffic generation the addition of 4 new houses will make no material change to traffic flows on Dalby Crescent, so the scheme is also acceptable on these grounds.

- 6.1.4 The removal of dilapidated sites, or problem areas. This criterion does not apply here.
- 6.1.5 The cumulative effect of new building, and if it impacts upon local amenity or the special character of the area. On the one hand, the introduction of an additional three new dwellings in the area will clearly have some impact, given the increased density of occupation, noise and so forth, including increased vehicle movements. On the other hand, the application will make more efficient use of a brown field site in a highly sustainable location, which is what is specifically encouraged in the NPPF, where no demonstrable harm is found. So whilst officers understand the concerns of local residents, it is not considered that the form and layout of the new houses will impinge upon local amenity to such a degree as to merit refusal. There will be some overshadowing of the garden of No. 3 Dalby Crescent, from plot No. 1, to the west, and some overlooking, it is acknowledged, but the cut down in levels of plots 1 and 2 will assist this. Plots 3 and 4 will have very little impact on neighbouring amenity. Accordingly, this criterion is also satisfied.
- 6.1.6 The most significant element of this new application for the Committee to assess is the lowering of the roof line of plots 3 and 4 on the site. This is what the Inspector in his appeal decision letter dated 26<sup>th</sup> September 2013 was specifically concerned about - as noted in paragraphs 7 and 8 of that decision letter. He stated that "the overall scale of plots 3 and 4 would in my judgement cause the dwellings to appear too prominent and over dominant in their relationship to the street scene". Whilst acknowledging the lowering of ground levels here, he still considered that they would appear as "an unacceptable discordant feature in the locality". In order to address this issue, the applicants have lowered the ridge height of the relevant two plots by 0.5m. In addition, plot 4 has been moved 0.8m further back into the site, so reducing its visual prominence further. Street scene elevations and cross sections have been submitted to indicate this. The ridge height linking the 2 dwellings will now be less than 6.5m high, whilst the gable ridges will be 7m. This is considered to be modest, and acceptable in terms of the street scene impact both upon Greenham Road / Pyle Hill aspect to the west, and to the Dalby Crescent aspect to the east. This overcomes, in the officer's view, the shortcomings noted by the appeal Inspector.
- 6.1.7 It is important to recognise here that the Inspector did not dismiss the appeal on any other grounds, i.e he considered that the overall character of the area would not be harmfully diminished by the introduction of the three [net] additional dwellings, nor would there be harm to local amenity, nor would car parking / access / refuse disposal issues present any problems. Like your planning officers, he encouraged the more efficient use of a brown field site in a sustainable location, as being in accord with the NPPF of 2012. He did not consider the lack of the s106 obligation, since the appeal was dismissed. He similarly recognised potential "Suds" conditions would cover any potential drainage problems and recognised that one objector's concerns over the stability of the party retaining wall was a civil, not a planning matter. Finally, he did not take issue with the design of the houses, nor the overall density, being over 30 dwellings per ha.

## **7. Conclusion**

- 7.1. All planning applications are required to be determined in accordance with the three sustainability dimensions of the NPPF of 2012. The first is economic. The application, if approved will have a beneficial short term positive impact given the boost to the local construction industry. In social terms, the impact is positive in that 3 new dwellings will be added to the town's stock. In environmental terms, this has been considered above – i.e. the impact is considered to be acceptable.
- 7.2. Officers consider that from the original application to redevelop this site to 14 flats, then 6 dwellings, then the last application for 4 dwellings, to this one before Council, the applicants have moved a considerable way to arrive at an acceptable scheme. Whilst this does not automatically mean such applications should be approved, to resist very up to

date “advice” from an Inspector at appeal on a similar proposal would be undertaken on a tenuous basis.

- 7.3. Having regard to the clear reasons to support the scheme, the application is accordingly favourably recommended by your officers, with a conditional approval, subject to the first completion of the required s106 obligation.

## **8. Full Recommendation**

**The Head of Planning and Countryside be authorised to GRANT planning permission, subject to the first completion of the required s106 planning obligation.**

If for any reason the obligation is not completed by 31<sup>st</sup> March 2014, the application, if considered expedient, be refused for the following reason.

Notwithstanding the applicant’s willingness to do so, he has failed to enter into the required s106 obligation which would mitigate the impact the new occupants of the housing will have upon the District’s facilities, services and infrastructure. Accordingly the application is contrary to the advice in the NPPF of 2012, policy CS5 in the West Berkshire Core Strategy 2006 to 2026, and the Council’s Delivering Investment from Sustainable Development adopted June 2013. It is thus unacceptable.

## **CONDITIONS**

### **3 years**

1. The development shall be started within three years from the date of this permission and implemented strictly in accordance with the approved plans.

To clarify the permission in accord with the DMPO of 2010.

### **Removal of permitted development rights.**

2. Irrespective of the provisions of the current Town and Country Planning (General Permitted Development) Order 1995 (or any subsequent revision), no additions or extensions to the dwelling shall be built or ancillary buildings or structures erected within the curtilage, unless permission in writing has been granted by the Local Planning Authority on an application made for the purpose.

Reason: To prevent the over-development of the site and to safeguard the amenities of neighbouring properties in accordance with policy HSG1 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

### **Floor levels**

3. No development shall commence until details of floor levels in relation to existing and proposed ground levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved levels.

Reason: To ensure a satisfactory relationship between the proposed building and the adjacent land in accordance with Policy HSG1 of the West Berkshire District Local Plan 1991 – 2006 Saved Policies 2007.

### **Hours of working.**

4. The hours of work for all contractors (and sub-contractors) for the duration of the site development shall, unless otherwise agreed in writing by the Local Planning Authority, be limited to; 7.30 am to 6.00 pm on Mondays to Fridays, 7.30 am to 1.00 pm on Saturdays, and NO work shall be carried out on Sundays or Bank Holidays.

Reason: In order to protect the amenities of surrounding residents in accordance with policy HSG1 of the West Berkshire District Local Plan 1991 to 2006 Saved Policies 2007.

### **Dust suppression.**

5. No development shall commence until the applicants have submitted to the Local Planning Authority a scheme of works, or other steps as may be necessary to minimise the effects of dust from the development. Development shall not commence until written approval has been given by the Local planning Authority to any such scheme of works.

Reason: In the interests of amenities of neighbouring occupiers. In accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

### **Landfill gas.**

6. No development approved by this permission shall be commenced until a landfill gas investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority. Where a risk from gas is identified, appropriate works to mitigate the effects of gas shall be incorporated in detailed plans to be approved by the Local Planning Authority.

Reason: In order to protect the amenities of proposed occupants/users of the application site. In accord with policy CS14 in the West Berkshire Core Strategy 2006 to 2026.

### **Tree works.**

7. No development or other operations shall commence on site until a detailed schedule of tree works including timing and phasing of operations has been submitted and approved in writing by the Local Planning Authority.

Reason: To ensure the retention of selected trees at the site in accordance with the objectives of Policy CS19 of the West Berkshire Core Strategy 2006 to 2026.

### **Tree protection.**

8. No development (including site clearance and any other preparatory works) shall commence on site until a scheme for the protection of trees to be retained is submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include a plan showing the location of the protective fencing, and shall specify the type of protective fencing, all in accordance with B.S.5837:2012. Such fencing shall be erected prior to any development works taking place and at least 2 working days notice shall be given to the Local Planning Authority that it has been erected. It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities or storage of materials whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Note: The protective fencing should be as specified at Chapter 6 and detailed in figure 2 of BS5837:2012.

Reason: To ensure the enhancement of the development by the retention of existing trees and natural features during the construction phase in accordance with Policy CS19 of the West Berkshire Core Strategy 2006 to 2026.

### **Landscaping**

9. No development or other operations shall commence on site until a detailed scheme of landscaping for the site is submitted to and approved in writing by the Local Planning Authority. The details shall include schedules of plants noting species, plant sizes and proposed numbers/densities, an implementation programme and details of written specifications including cultivation and other operations involving tree, shrub and grass establishment. The scheme shall ensure;

a) Completion of the approved landscape scheme within the first planting season following completion of development.

b) Any trees shrubs or plants that die or become seriously damaged within five years of this development shall be replaced in the following year by plants of the same size and species.

Reason: To ensure the implementation of a satisfactory scheme of landscaping in accordance with the objectives of Policy CS19 of the West Berkshire Core Strategy 2006 to 2026.

### **Ground investigation. [SUDS]**

10. A ground investigation survey shall be carried out to establish the soil characteristics and infiltration rate to enable design of suitable SuDS measures. This shall be done before any development commences on the site. The results of the survey shall be submitted to and approved in writing by the Council before any development commences, and the works identified undertaken in accord with that survey.

Reason : To ensure that the design of the SuDS provisions are appropriate, adequate and maintainable for the site conditions in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

### **Drainage**

11. Suitable Sustainable Drainage proposals for disposal of surface water within the site shall be submitted for approval in writing by the Local Planning Authority prior to commencement of work on site. Any new paved areas shall be formed of permeable paving.

Reason: to ensure that the design and locations of the SuDS provisions are adequate and maintainable in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

### **Code level 4.**

12. The dwellings shall achieve Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme). No dwelling shall be occupied until a final Code Certificate relevant to it, certifying that Code Level 4 of the Code for Sustainable Homes (or any such equivalent national measure of sustainability for house design which replaces that scheme) has been achieved, has been issued and a copy has been provided to the Local Planning Authority.

Reason: To ensure the development contributes to sustainable construction. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS15 of the West Berkshire Core Strategy (2006-2026) and Supplementary Planning Document Quality Design (June 2006).

### **Boundary treatment.**

13. No development shall commence on site [including demolition] until the applicant has submitted to the Local Planning Authority a scheme indicating the precise boundary treatment between the application site and No. 3 Dalby Crescent including any retaining walls if required. This shall then be approved in writing by the Local Planning Authority before any building commences on site and the works, as agreed, shall be carried out on site on completion of the scheme hereby permitted.

Reason: to respect the amenities of adjoining occupiers in accord with policy CS14 of the West Berkshire Core Strategy 2006 to 2026.

### **Construction Method Statement.**

14. No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The statement shall provide for:

- (a) The parking of vehicles of site operatives and visitors
- (b) Loading and unloading of plant and materials
- (c) Storage of plant and materials used in constructing the development
- (d) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing
- (e) Wheel washing facilities
- (f) Measures to control the emission of dust and dirt during construction
- (g) A scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: To safeguard the amenity of adjoining land uses and occupiers and in the interests of highway safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policies CS5 and CS13 of the West Berkshire Core Strategy (2006-2026), Policy TRANS 1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

### **Surfacing of access.**

15. No development shall take place until details of the surfacing arrangements for the vehicular access to the highway have been submitted to and approved in writing by the Local Planning Authority. Such details shall ensure that bonded material is used across the entire width of the access for a distance of three metres measured back from the carriageway edge. Thereafter the surfacing arrangements shall be constructed in accordance with the approved details.

Reason: To avoid migration of loose material onto the highway in the interest of road safety. This condition is imposed in accordance with the National Planning Policy Framework (March 2012) and Policy CS13 of the West Berkshire Core Strategy (2006-2026).

### **Vehicle parking.**

16. No development shall take place until details of the vehicle parking and turning space/areas have been submitted to and approved in writing by the Local Planning Authority. Such details shall show how the parking spaces are to be surfaced and marked out. No dwelling shall be occupied until the vehicle parking and turning spaces/areas have been provided in accordance with the approved details. The parking and/or turning space shall thereafter be kept available for parking (of private motor cars and/or light goods vehicles) at all times.

Reason: To ensure the development is provided with adequate parking facilities in order to reduce the likelihood of roadside parking which would adversely affect road safety and the flow of traffic.



This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**Cycle parking.**

17. No dwelling shall be occupied until the cycle parking has been provided in accordance with the approved drawings and this area shall thereafter be kept available for the parking of cycles at all times.

Reason: To ensure the development reduces reliance on private motor vehicles and assists with the parking, storage and security of cycles. This condition is imposed in accordance with the National Planning Policy Framework (March 2012), Policy CS13 of the West Berkshire Core Strategy (2006-2026) and Policy TRANS1 of the West Berkshire District Local Plan 1991-2006 (Saved Policies 2007).

**INFORMATIVE:**

- 1 This decision has been made in a positive way to foster the delivery of sustainable development having regard to Development Plan policies and available guidance to secure high quality appropriate development. In this application whilst there has been a need to balance conflicting considerations, the local planning authority has secured and accepted what is considered to be a development which improves the economic, social and environmental conditions of the area.

DC